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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

3

Application Number

10/613,887 784

Filing Date

July 7, 2003

First Named Inventor

Leroy J. Ohlsen

Art Unit

1746

Examiner Name

Jonathan Crepeau

Attorney Docket Number

690089.401D1

**ENCLOSURES (Check all that apply)**

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|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
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| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Thomas E. Loop BARNARD, LOOP & McCORMACK LLP
Signature	
Date	July 23, 2004

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Date

Cori N. Lanman  
Cori N. Lanman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/613,784 Confirmation No.: 7001  
Applicant: NEAH POWER SYSTEMS, INC.  
Filed: July 7, 2003  
Title: Fuel Cells Having Silicon Substrates and/or Sol-Gel Derived Support Structures  
TC/A.U.: 1746  
Examiner: Jonathan Crepeau  
Docket No.: 690089.401D1  
Cust. No.: 31740

**PETITION TO MAKE SPECIAL**

Sir:

This is a petition to have the above-identified application accorded "special" status under 37 CFR 1.102(c). For the reasons set forth below, the subject invention will materially enhance the quality of the environment and will materially contribute to the development and conservation of energy resources.

In brief, the subject invention relates generally to fuel cells and, more specifically, to fuels cells, electrode assemblies, and electrodes that comprise silicon substrates and/or sol-gel derived support structures, as well as to methods relating thereto. As is appreciated by those skilled in the art, a fuel cell is an energy conversion device that consists essentially of two opposing electrodes, an anode and a cathode, ionically connected together via an interposing electrolyte. Unlike a battery, fuel cell reactants are

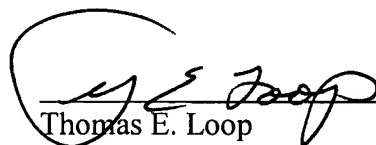
supplied externally rather than internally. Fuel cells operate by converting fuels, such as hydrogen or a simple hydrocarbon (*e.g.*, methanol), to electrical power through an electrochemical process rather than combustion. It does so by harnessing the electrons released from controlled oxidation-reduction reactions occurring on the surface of a catalyst. A fuel cell can produce electricity continuously so long as fuel and oxidant are supplied from an outside source.

Because the subject invention is directed to an essentially non-polluting energy conversion device (unlike conventional fossil fuel energy conversion devices with their concomitant pollution problems), it is believed that the invention will materially enhance the quality of the environment of mankind, especially the air and water of mankind's environment. In addition, and because the subject invention can provide energy without the burning of fossil fuels, it is believed that the subject invention will materially contribute to the conservation of mankind's existing energy resources. Moreover, and as compared to existing internal combustion technologies, fuel cell technologies specifically relate to the more efficient utilization of energy resources.

In view of the foregoing, Applicants respectfully request that this petition to make special be granted.

Respectfully submitted,

BARNARD, LOOP & McCORMACK LLP

A handwritten signature in black ink, appearing to read "T. E. Loop", is written over a horizontal line.

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